IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Docket No.: OT-4355
Pedro S. Baranda et al.	:	Date: March 28, 2003
Appln. No.: 09/218,990	:	Examiner: T. Tran
Filing Date: December 22, 1998	:	Group Art Unit: 3652

Official

Title: TENSION MEMBER FOR AN ELEVATOR

Commissioner for Patents
Box AF
Washington, D.C. 20231

REPLY BRIEF

PURSUANT TO 37 C.F.R.§1.193(b)(1)

This is in reply to the Examiner's Answer dated January 28, 2003.

(1) **REAL PARTY IN INTEREST**

No additional comment.

(2) **RELATED APPEALS AND INTERFERENCES**

No additional comment.

(3) **STATUS OF CLAIMS**

No additional comment.

(4) **STATUS OF AMENDMENTS**

No additional comment.

(5) **SUMMARY OF INVENTION**

No additional comment.

(6) **ISSUE(S)**

No additional comment.

(7) **GROUPING OF CLAIMS**

No additional comment.

(8) **ARGUMENT(S)**

(a) Whether claim 1 is unpatentable under §103(a) over Bruyneel et al.

Initially, Applicants reiterate that Bruyneel et al. does not disclose or suggest a tension member that is for providing lifting force to a car of an elevator system and that has the claimed side-by-side cords or aspect ratio, in the manner claimed in claim 1.

As correctly noted in the Answer and in the Final Rejection, Figure 9 of Bruyneel et al. describes a coated member having a plurality of side-by-side cords and that has an aspect ratio of greater than one. However, Figure 9 illustrates a conveyor belt, and not a tension member for providing lifting force to a car of an elevator system.

The Answer cites to the passage at column 1, lines 14-16, of Bruyneel et al. that a multi-strand steel cord may be used as a hoisting cable or rope for applications in mines or elevators. However, Applicants do not dispute that steel *cords* have long been used as hoisting cables for elevators. Applicants do dispute that it would have been obvious from the disclosure of Bruyneel et al. to arrange a plurality of those steel cords into a tension member that is for providing lifting force to a car of an elevator system and that has the claimed side-by-side cords and/or aspect ratio.

In fact, as noted in Applicants' Appeal Brief, the only discussion in Bruyneel et al. of using a rubberized cord as a hoisting cable for mines or elevators, is in connection with the *round* rubberized cord of Figure 2 of that patent.

Further, Applicants reiterate that Bruyneel et al. does not disclose or suggest such a tension member formed from cords having <u>all wires</u> with a diameter less than 0.25 mm, in the manner claimed in claim 1. In this respect, the Answer asserts that claim 1 is rejected under 35 U.S.C. §103(a), not §102. Applicants fully appreciate the nature of the rejection.

As the Answer and the Final Rejection correctly note, Bruyneel et al. describes a rope having wires in a diameter range from 0.15 mm to 1.2 mm. Each example includes wires having diameters larger than 0.25 mm. The Answer also notes that Bruyneel et al. does not suggest any particular diameter for the largest wire (other than 1.2 mm, presumably). However, the Answer (and the Final Rejection) asserts that it would have been an obvious choice, based upon the

application and design preferences of the constructor, to have had all of the wires with diameters of less than 0.20 or 0.25 mm.

Neither the Final Rejection nor the Answer point to any set of "application and design preferences" that would have led an ordinarily skilled artisan to construct a tension member formed from cords having all wires with diameters less than 0.25 mm, much less in the case of a tension member that is for providing lifting force to a car of an elevator system and that has the claimed side-by-side cords or aspect ratio.

As noted in Applicants' Appeal Brief, this feature is critical to the claimed invention, in that it permits the use of sheaves of smaller diameter. There is no recognition in Bruyneel et al. of the desirability of this enabled feature, much less the importance of keeping all wire diameters small to achieving it. Without such a motivating factor, there would have been no objective reason to use all smaller wires.

Therefore, the Final Rejection fails to establish a prima facie case of obviousness of claims 1-3, 5-15, 18, 20-23 and 45-50 under 35 U.S.C. § 103 because the cited art does not disclose or suggest all of the features recited in independent claim 1, and it would not have been obvious to modify the prior art rope to include such features.

Conclusion

As Applicants have traversed each and every rejection raised by Examiner, it is respectfully requested that the rejections be reversed and the rejected claims be passed to issue.

Please charge any fees associated with filing this response to our Deposit Account No. 15-0750, Order No. OT-4355.

Respectfully submitted,

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By _____

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